

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RAMON VILLANUEVA-BAZALDUA,)	
individually and on behalf of others similarly,)	
situated,)	
Plaintiff,)	
v.)	C.A.: 06-185-GMS
TRUGREEN LIMITED PARTNERS and,)	
TRUGREEN, INC. d/b/a TRUGREEN)	CLASS ACTION
CHEMLAWN)	
Defendant.)	

**PLAINTIFF'S EXPEDITED
MOTION TO CONDITIONALLY CERTIFY AN
FLSA COLLECTIVE ACTION**

Now comes Plaintiff Ramon Villanueva and moves this Court, pursuant to 29 U.S.C. §216(b), for an order (1) conditionally certifying this action as an FLSA collective action on behalf of all persons who received H-2B visas to work for TruGreen Limited Partnership at any time during 2003, 2004, 2005, or 2006; (2) requiring Defendants to provide Plaintiff, in computer readable form, if possible, all addresses, telephone numbers and social security numbers for the class members; (3) authorizing Plaintiff to issue the proposed notice attached to Plaintiff's Appendix at A-8 to the members of the class; and (4) giving the members of the class six months from the date that notice issued to opt-into this action.

Plaintiff requests expedited treatment of this motion because the statute of limitations continues to run against the class members' FLSA claims until they receive notice of this action and opt-in by filing consent to sue forms.

In support of this motion Plaintiff would refer the Court to (1) Plaintiff's Appendix filed with this motion which contains a statement of facts, (A- 4-7), and the evidence supporting that statement (A- 13-48) ; and (2) Plaintiff's brief in support of this motion. These documents demonstrate that all of TruGreen's foreign H-2B workers are similarly situated with respect to Plaintiff's claim that TruGreen violated the FLSA by failing to reimburse H-2B workers for the visa, processing and transportation costs they incurred in coming to work for TruGreen. Accordingly, this action should be treated as an FLSA collective action and Plaintiffs' should be authorized to send the notice attached hereto to all members of the class.

Respectfully submitted,



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